Administrative Structure for Senior School Board Staff

Final Report and Ministerial Regulation

– pursuant to S.64(3B) of the *Education Act*

September 2003

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1. EXECUTIVE SUMMARY

Amendments to the *Education Act* in June 2002 called for an administrative structure, compensation framework and employment and personal services contracts for school board senior staff, all as approved by the Minister in Regulations. This report deals with recommendations relating to the administrative structure portion of these amendments.

Based on approved Terms of Reference, the Structure Sub-Committee met twelve times, and conducted two full consultations with all school boards, as well as with internal staff of the department. This was based on a guiding philosophy that education is the primary reason school boards exist, so all functions must align toward supporting students and schools. The philosophy also said that school boards must be effective--that is, to achieve their statutory responsibilities.

Based on observations made during consultations, the Sub-Committee developed a model structure for regional school boards, and also for pilot board structures until 2004, and received additional feedback and input from school boards before finalizing these models. The models are constructed to fulfill twelve of the twenty recommendations the Sub-Committee is making. There are eight additional recommendations on matters that arose during the consultations, which may be partly fulfilled by the model structure, but which also require further action on the part of the department and school boards.

The Sub-Committee developed guidelines for school boards for planning implementation of the model, with criteria for any exceptions that may be requested. These reflect school boards' requests for flexibility to preserve current practices which are effective (particularly educational practices), and to phase in the implementation over time as school boards indicate is feasible.

As part of implementation, a statement of educational and experiential qualifications for senior staff and direct reports was developed, to support the work of the Sub-Committee dealing with the compensation framework. It will also ensure that senior staff and those supporting schools can be effective in their jobs.

The recommendations are:

***Recommendation 1**: Each school board should be organized along functional (not geographic) lines, with consistency in titles at the superintendent and directorship level, and consistency of clusters of functions assigned to each directorship. Each school board must have a superintendent (or, in pilot structures, a director of education and chief executive officer) and a Director of Programs and Student Services. Functional support roles include Operations, Finance and Human Resources. Descriptions of functions clustered within each directorship should include references to required consultative and communications links, and clear statements of accountability.*

***Recommendation 2**: The framework and regulations must accommodate flexibility to not only accommodate practices that school boards have demonstrated are effective and working well for students, but also to accommodate small and large school boards as well as the geographically diverse CSAP. The model will prescribe directorships at the senior level, plus reasonably consistent clusters of functions which could be assigned as co-ordinators, consultants or supervisors depending on individual board requirements.*

***Recommendation 3**: To ensure that statutory responsibilities are assigned and carried out, all descriptions of functions must be clearly linked to legislation, by including relevant legislative clauses in the descriptions themselves, both in the model and in school boards' own documents.*

***Recommendation 4**: Supporting the elected board members' role has been formally written in to the Superintendent/Director of Education functions description, so that this position is either directly accountable to provide these board services, or directly oversees someone who does so.*

***Recommendation 5**: Support for SACs is within the Programs and Student Services function, due to the SACs' educational focus, with a clear link to the Superintendent/Director of Education to ensure the governance elements are addressed and the board is supported in this aspect.*

***Recommendation 6**: The Principal performance evaluation function must be overseen and directed by Programs and Student Services, and that Director must give direct feedback to each principal, consistent with the board's overall educational implementation plan. This is essential if principals are to be held accountable to monitor and evaluate curriculum and services.*

***Recommendation 7**: The RCH function must encompass the new Racial Equity policy as it applies to school boards to address relevant cultural issues, build awareness of global diversity issues, and cover human rights. The function should be educational in focus, and be placed in Programs and Student Services. The department should consider a clearer linkage within itself.*

***Recommendation 8**: To resolve the issue of how technology is placed in school boards, the integration of technology in curriculum must be retained in Programs and Student Services, while acquisition and support is assigned to Operations Services, with a clearly established consultative link.*

***Recommendation 9**: Concerning professional development, it is recommended that PD of an educational nature stay with Programs and Student Services, and non-educational PD be led by Human Resources in conjunction with other directors, with a jointly-prepared annual plan for, and report on all PD activities.*

***Recommendation 10**: Ensure that school boards merge labour relations duties, over time, under a single individual with appropriate background and skill sets, rather than along union lines.*

***Recommendation 11**: To ensure that work assignments can be performed effectively, the Sub-Committee drafted appropriate qualifications for all senior positions and direct-reports, to support the compensation framework, to establish standards for recruitment, and as the basis for assessing current incumbents' skill sets.*

***Recommendation 12:** To ensure appropriate involvement of specialized personnel (i.e. student services, FSL, others) in allocating specialized resources, the model regards this as a shared responsibility requiring a team approach. Issues in this area also tie back to monitoring and evaluation of quality. In the descriptions of functions, linkages have been written where consultation is needed on human, financial or renovation issues of resource allocation.*

The following recommendations can be partly addressed by the model structure, but the model is not a complete solution. Next-steps have been suggested to the department (shown in brackets):

***Recommendation 13**: The Sub-Committee agrees that standards for student services, curriculum and program implementation resource requirements are needed, and greater consistency in how school boards approach this task can resolve many issues identified. Sufficient research had already been released by the department on requirements for special education, as part of its response to "Learning for Life". Such research is unavailable for curriculum implementation and evaluation. It is recommended that the department develop a template for input of ECF and the EPC. Thereafter, resource standards can be incorporated into the regulations.*

***Recommendation 14 (1)**: The role of principals as educational leaders is a statutory one; it should not be delegated. Instead, supports for non-educational duties should be re-examined and enhanced. Examples of supports which were identified are secretarial, maintenance and transportation supervision, financial, procurement and HR supports. Each cluster of functions has a specific role to support principals in that particular area, and the function within Programs and Student Services is the lead and co-ordinator.*

***Recommendation 14 (2)**: The role of principals should studied with a focus on identifying supports required that will enable principals to spend more time on educational leadership.*

***Recommendation 15**: While the extent to which school boards evaluate their organization, education functions and people is not strictly a structural issue, these responsibilities have been written into the descriptions of functions.*

(The Deputy Minister may also wish to address the need for evaluation activities with superintendents, directors of education and chief executive officers, and to consider revisiting the topic at a future date to see if there has been an increase in evaluation activities).

***Recommendation 16**: The capacity of school boards to cope with individual student test scores, which is coming in 2004, is again is not a structural issue, although roles particularly in the educational area have been incorporated into the descriptions of functions.*

(The department may wish to consider formulating a plan to assist school boards to meet these challenges, which will start in 2004).

***Recommendation 17**: The school libraries issue is larger than simply structure, and goes to adequacy of learning resources, including what resources students will require in the future.*

(Upcoming discussions will likely look at this question, after which any recommendation on placement within the structure could be incorporated into the model).

***Recommendation 18:** In response to frustrations expressed by school boards about the volume of reporting asked by the department, and also confusion about how everything links together, the model attempts to articulate linkages where it could, in the descriptions of functions.*

(The department can continue to emphasize how things inter-relate, and move toward noting linkages wherever possible as part of its normal communications with school boards. It might also wish to revisit the need for some of the reporting which is presently required).

***Recommendation 19**: With respect to changes in the department, committee members suggested these are departmental decisions. The feedback gathered will be passed over to the department.*

(The department could strike an internal committee to look at the feedback received with a view to making recommendations for changes to the Deputy Minister).

***Recommendation 20**: The Deputy Minister's request that the administrative structure ultimately be tied to the funding formula is acknowledged; however it was felt this was beyond the committee's original mandate, and perhaps beyond the qualifications of some committee members.*

(This could be referred to the Education Finance Committee for consideration at an appropriate time; that is when the compensation work has been completed, the results of Recommendation 13 are in hand, and when implementation plans of school boards are more fully known.)

2. INTRODUCTION

In June, 2002 several amendments to the *Education Act* were proclaimed, including three provisions relating to school board senior staff, including with respect to administrative structure, a compensation framework, and employment and personal services contracts. Details are to be formulated and incorporated into Ministerial Regulations.

A committee was established to deal with these three provisions, and a Sub-Committee was struck to deal specifically with the administrative structure, and make recommendations on what should be included in Regulations. This report sets out, for the record, the work of the Sub-Committee, and its recommendations.

2.1 Legislative References

The amendments made to the *Education Act* in 2002, related to the structure, compensation and contracts elements are set out here:

General Responsibilities and Powers of School Boards

64 (3A) An employment or personal-services contract entered into between a school board and senior staff, as defined in the regulations, of the school board has no effect until approved by the Minister.

(3B) A school board shall implement the administrative structure for senior staff, as defined in the regulations, of the school board in accordance with the administrative structure prescribed by the Minister in the regulations.

(3C) A school board shall establish a compensation framework for senior staff, as defined in the regulations, of the school board in accordance with the compensation framework established by the Minister in the regulations.

Regulations by Minister

145 (1) The Minister may make regulations

(ka) defining "senior staff" for the purpose of subsections 64 (3A), (3B) and (3C);

(kb) respecting an administrative structure and a compensation framework for the purpose of subsections 64 (3B) and (3C)

2.2 Terms of Reference

A working committee, co-chaired by Paula Wedge, Senior Executive Director Human Resources and Legal Services, and Susan Crandall, Director, Education Renewal met for the first time on July 31 and agreed to a Terms of Reference.

Elements 1 and 4 of the Terms of Reference relate to the Structure Sub-Committee, and are repeated here for convenient reference:

1. **Administrative Structure** - Determine the levels of staff to be included in a model structure for senior staff of the school board, and determine the structure, including a parallel structure for the Department of Education, such that there is consistency of assignment, authority and function, in order to facilitate the addressing of system issues provincially (i.e. policy, program and strategy development, direction-setting, monitoring and evaluation, assessment of outcomes and other system matters).

4. **Implementation and Follow-Up** - Develop implementation plans for each of the three major initiatives, including the drafting of Regulations, and determine appropriate measures to monitor, follow up and evaluate each initiative.

In November, 2002 the Deputy Minister asked that the Sub-Committee approach the project with a view to ultimately being able to fund the new administrative structure via the funding formula; specifically the allocation for regional management

3. APPROACH TO PROJECT

At its first full meeting on July 31, the committee agreed to establish a Structure Sub-committee with responsibility for item 1 of the Terms of Reference, and a Compensation and Contracts Sub-committee, responsible for items 2 and 3 of the Terms of Reference. Item 4 applies to both.

Sub-committee members, in alphabetical order, are:

Structure	Compensation
Susan Crandall, Chair	Doug Benedict
Jim Gunn	Alan Lowe
Margelaine Holding	Nancy Mosher
Ann Power	Doug Peach
Yvon Samson	Paula Wedge, Chair
Darrell Youden	

It was further agreed that the Structure Sub-Committee's work must be substantively completed before the Compensation Sub-Committee could finalize its own work. On two subsequent occasions (October 28, 2002 and February 12, 2003) the full committee met to endorse recommendations of the Structure group prior to presentations to the Education Consultation Forum.

3.1 Structure Sub-Committee

In addition to the three full committee meetings, the Structure Sub-Committee met twelve times, on September 9 and 18, November 18 and 22, December 3, 10 and 16, 2002, and on January 23 and 28, February 7, May 5 and 12, 2003.

3.2 Guiding Philosophy

The Sub-Committee developed and followed a philosophy that states that education should be at the heart of all the school board does, starting with what students need from their schools to graduate from the system ready for work, life, learning and citizenry, then what schools need from a school board, and finally what school boards need from government. Based on this, the primary reason a school board central office exists is to support what goes on in schools. Its secondary function is to handle corporate and policy matters in support of elected school boards. This philosophy was based upon statements of school performance and student performance expectations, from the School Improvement and Accreditation Discussion Paper, and also the legislated school board duties and powers as stated in the *Education Act*. The result is a statement of expectations, and resulting service requirements to support them, of students, schools, and school boards.

The Sub-Committee determined that the model structure should ensure that the organization is 'effective': it achieves its intended purpose, its responsibilities and accountabilities for both governance and administration. The governance element includes policy, public accountability and educational leadership, while the administrative element includes administrative leadership, management of policy and ensuring that responsibilities are assigned and carried out. Characteristics of effective organizations adopted by the Sub-Committee include that it be productive; adaptive, flexible and responsive; accessible; focussed and relevant; reliable; and accountable.

Once this philosophy was finalized, it was taken to the Deputy Minister for approval as to direction and scope, and it was approved.

3.3 Consultations

By September, it was clear that there was some commonality among school board structures, but information from organization charts was insufficient to analyze and compare existing structures in any accurate manner. Many staff indicated they felt their board had unique circumstances which the Sub-Committee should understand and they expressed concern about potential outcomes in any new proposed model.

As a result, two rounds of consultations took place with every school board. The first, in October, focussed on how present school board structures worked, where individual functions were placed and how decisions were made.

School boards were asked to say what they needed from the department at this time. The consultations followed a structured format. Based on these consultations, the Sub-Committee developed a first draft of a model structure, linked to legislative duties, powers and responsibilities of school boards and superintendents. A second round of consultations in January 2003 followed, during which time input, comments and feedback on the draft model structure was obtained from senior school board staff, and some additional questions were asked where the Sub-Committee had identified a need for further information. These consultations also followed a structured format.

Consultations within the department were also conducted, including the Public Schools Branch, the Acadian and French Language Services Branch, the Corporate Services Branch and the Human Resources and Legal Services Branch.

4. MODEL STRUCTURE

Based on these consultations and the observations which arose from them, the Sub-Committee developed a model structure for regional school boards. Based on the Regional model, a complementary model was developed for use by the pilot school board structures, until the expiration of these models in 2004. The two charts are attached and form part of this report.

The Sub-Committee has formulated a series of recommendations (see Executive Summary), which are linked to key observations made during this project, which can be fulfilled by implementation of the model structure. In addition, there are eight recommendations which address issues the Sub-Committee observed, but for which some additional action beyond structure is required.

5. IMPLEMENTATION

It has been agreed that flexibility is required in implementation, to preserve good practices where they exist, and which would not be well served by changing them. The Deputy Minister has indicated implementation can occur over time, but that it must occur.

School boards accordingly were asked for reports on where their structures do or don't comply, their implementation plan including timing, and any exceptions. These have been assessed and implementation recommendations for each board have been finalized. A monitoring schedule (at least annual review) will be developed and followed, and school boards will be advised that any subsequent structure changes also require approval of the Minister.

5.1 Framework and Guiding Principles

To establish principles and procedures for school boards to assess their structures against the model, and to outline criteria for consideration of any exceptions, guidelines were developed, approved by the Deputy Minister and given to school boards in February 2003.

5.2 Qualifications

The Sub-Committee developed comprehensive statements of educational and experiential qualifications for senior staff, and for next-level reports. This is to support position evaluation as part of the compensation work which is part of the 2000 *Education Act* amendments and to establish consistent recruitment standards for the future. It can also support the provision in the Framework and Guiding Principles which says that if present incumbents do not possess all the stated qualifications, there is to be (as part of its implementation plan) a development plan to gain the skills over time, for effective performance.

6. CONCLUSION

The Structure Sub-Committee has worked hard to develop an end result which fulfills the Terms of Reference, and is also reasonably workable for school boards. It is hoped that this product will be both structurally useful to the system, and will support improvements in implementing, executing and evaluating the primary purpose of school boards. In closing, the Sub-Committee would like to thank its colleagues in the Compensation Sub-Committee, senior staff of school boards, departmental staff, members of the Education Consultative Forum and the Deputy Minister for their time, support and patience.

7. REGULATIONS

Based on this report, Ministerial Regulations pursuant to Section 145 of the *Education Act* were developed. The Report was presented by and accepted by the then Minister of Education, Honourable Angus MacIsaac on June 20, 2003 and he subsequently signed the Ministerial Order giving effect to the new Regulations. The Report, together with the new Regulations were presented to, and accepted by the present Minister of Education, Honourable Jamie Muir on September 3, 2003. The Regulations were registered at the Provincial Registry of Regulations on August 25, 2003, and are scheduled for publication in the *Royal Gazette* on September 19, 2003.

A copy of the official version of the new Regulation is attached.

Regional School Board – Administrative Chart of Functions
Regional School Board
Superintendent
Community relations
Governance support
Strategic/business planning
Communications
Accountability standards
Continuous improvement framework
Programs and Student Services
Student services
Programs
RCH
Education quality & accountability
Principal support
Principals (including supervision and evaluation)
Technology in curriculum/classrooms
Teacher professional development
SAC/school improvement plans
Other student-related programs
Community/adult education (if applicable)
Operational Services
Facilities management (including community access)
Capital construction/ renovations
Transportation
Technology/MIS
Principal supports in operations area
Financial Services
Budgets
Accounting (including payroll)
Insurance risk
Procurement
Audit support
Principal supports in finance area
School based funds management
Human Resources Services
Labour relations (including support of provincial bargaining)
Performance management/ growth planning systems
Non-teacher professional development/ co-ordinate board-wide PD plan
Employment equity
OHS
Employee health
Succession planning
Coordinate staff allocations
Recruitment, placement
Principal supports in human resource area

Pilot School Board Structure – Administrative Chart of Functions
District School Board
Director of Education
Deputy Minister
Chief Executive Officer
Programs and Student Services
Operational Services
Financial Services
Human Resources Services
Community relations
Governance support
Communications
Educational accountability standards
Planning
Continuous Improvement Framework
Support of budget process
Regional service delivery standards
District hiring
District/region relations
Strategic/business planning
Communications
Accountability standards
Continuous improvement framework
Regional service delivery standards
Student services
Programs
RCH
Education quality & accountability
Principal support
Principals (including supervision and evaluation)
Technology in curriculum/classrooms
Teacher professional development
SAC/school improvement plans
Other student-related programs
Community/adult education (if applicable)
Facilities management (including community access)
Capital construction/ renovations
Transportation
Technology/MIS
Principal supports in operations area
Budgets
Accounting (including payroll)
Insurance risk
Procurement
Audit support
Principal supports in finance area
School based funds management
Labour relations (including support of provincial bargaining)
Performance management/ growth planning systems
Non-teacher professional development/ co-ordinate board-wide PD plan
Employment equity
OHS
Employee health
Succession planning
Coordinate staff allocations
Recruitment, placement
Principal supports in human resource area

In the matter of Section 145 of Chapter 1 of the Acts of 1995-96, the *Education Act*

- and -

In the matter of the *Ministerial Education Act Regulations* made by the Minister of Education pursuant to Section 145 of the *Education Act*

Order

I, Angus MacIsaac, Minister of Education for the Province of Nova Scotia, pursuant to Section 145 of Chapter 1 of the Acts of 1995-96, the *Education Act*, hereby amend the *Ministerial Education Act Regulations* made by the Minister of Education on June 24, 1997, by adding the following Sections after Section 62:

Definition of senior staff of certain school boards

63 For the purpose of subsection 64(3B) of the Act, "senior staff" of the Conseil acadien and a regional school board, other than the Southwest Regional School Board and the Strait Regional School Board, means the

(a) superintendent, whose responsibilities are specified in clause 66(2)(b);

(b) director of the programs and student services department specified in clause 67(a), who shall have the title of Director of Programs and Student Services;

(c) director of the operational services department specified in clause 67(b), who shall have the title of Director of Operational Services;

(d) director of the financial services department specified in clause 67(c), who shall have the title of Director of Financial Services; and

(e) director of the human resources services department specified in clause 67(d), who shall have the title of Director of Human Resources Services.

Definition of senior staff of Southwest Regional School Board and the Strait Regional School Board

64 For the purpose of subsection 64(3B) of the Act, "senior staff" of the Southwest Regional School Board and the Strait Regional School Board means the

(a) Chief Executive Officer, whose responsibilities are specified in clause 66(3)(b);

(b) director of the operational services department specified in clause 67(b), who shall have the title of Director of Operational Services;

(c) director of the financial services department specified in clause 67(c), who shall have the title of Director of Financial Services; and

(d) director of the human resources services department specified in clause 67(d), who shall have the title of Director of Human Resources Services.

Definition of senior staff of district school board

65 For the purpose of subsection 64(3B) of the Act, "senior staff" of a district school board that administers schools in a school district in a school region administered by the Southwest Regional School Board or the Strait Regional School Board means the director of education, whose responsibilities are specified in clause 66(4)(b).

Administrative structure for senior staff of school boards and related requirements

66 **(1)** For the purpose of this Section and Sections 67 to 69, "administrative structure" means the administrative structure for senior staff prescribed by this Section.

(2) The administrative structure of the Conseil acadien and a regional school board, other than the Southwest Regional School Board and the Strait Regional School Board, shall be composed only of

(a) the departments specified in Section 67 and the directors of those departments; and

(b) the office of superintendent and the superintendent who holds the office, who shall have, for the purpose of carrying out the duties of a superintendent under the Act, only the following responsibilities respecting the administrative structure:

(i) overall responsibility for the departments specified in Section 67 and supervision of the directors of those departments, and

(ii) responsibility for functions in only the following prescribed categories:

(A) community relations,

(B) strategic/business planning,

(C) communications,

(D) accountability standards, and

(E) continuous improvement framework.

(3) The administrative structure of the Southwest Regional School Board and the Strait Regional School Board shall be composed only of

(a) the departments specified in clauses 67(b) to (d) and the directors of those departments; and

(b) the office of Chief Executive Officer and the Chief Executive Officer who holds the office, who shall have, for the purpose of carrying out the duties of a Chief Executive Officer under the Act, only the following responsibilities respecting the administrative structure:

(i) overall responsibility for the departments specified in clauses 67(b) to (d), and supervision of the directors of those departments, and

(ii) responsibility for functions in only the following prescribed categories:

(A) district/region relations,

(B) strategic/business planning,

(C) communications,

(D) accountability standards,

(E) regional service delivery standards, and

(F) continuous improvement framework.

(4) The administrative structure of a district school board that administers schools in a school district in a school region administered by the Southwest Regional School Board or the Strait Regional School Board shall be composed only of

(a) the programs and student services department specified in clause 67(a); and

(b) the office of director of education and the director of education who holds the office, who shall have, for the purpose of carrying out the duties of a director of education under the Act, only the following responsibilities respecting the administrative structure:

(i) overall responsibility for the programs and student services department specified in clause 67(a), and

(ii) responsibility for functions in only the following prescribed categories:

(A) community relations,

(B) communications,

(C) educational accountability standards,

(D) planning,

(E) continuous improvement,

(F) continuous improvement framework,

(G) support of budget process,

(H) regional service delivery standards,

(I) district hiring.

(5) A director of a department is responsible only for the department that they direct and shall not hold more than one senior staff position.

(6) Despite subsection (5), a director of education referred to in subsection (4) shall not hold the office of director of education under the Act separately from the office of director of the programs and student services department.

Departments within administrative structure

67 The following departments shall be included in an administrative structure in accordance with subsections 66(2), (3) and (4):

(a) a programs and student services department, which shall have functions in only the following prescribed categories:

(i) student services,

(ii) implementation of Provincial curriculum,

(iii) race relations, cross-cultural understanding and human rights,

(iv) education quality and accountability,

(v) principal support in the area of programs and student services,

(vi) on behalf of the superintendent or the director of education, as the case may be, principals, including supervision and evaluation of principals,

(vii) technology in the curriculum and classrooms,

(viii) teacher professional development,

(ix) school advisory committees, including school improvement plans, and

(x) community education and adult education, if applicable,

and any additional student-related programs;

(b) an operational services department, which shall have functions in only the following prescribed categories:

(i) facilities management, including community access,

(ii) capital construction and additions and alterations,

(iii) transportation of students,

(iv) technology, and

(v) principal support in the area of operations;

(c) a financial services department, which shall have functions in only the following prescribed categories:

(i) budgets,

(ii) accounting, including payroll,

(iii) insurance risk,

(iv) procurement,

(v) audit support,

(vi) principal support in the area of finance, and

(vii) school-based funds management;

(d) a human resources services department, which shall have functions in only the following prescribed categories:

(i) labour relations, including support of local and Provincial bargaining,

(ii) performance management and growth planning systems,

(iii) non-teacher professional development and coordination of the board-wide professional development plan,

(iv) employment equity,

(v) occupational health and safety,

(vi) employee health,

(vii) succession planning,

(viii) coordination of staff allocations,

(ix) staff recruitment and placement, and

(x) principal support in the area of human resources.

Implementation of administrative structure

68 A school board shall implement its administrative structure in accordance with all the applicable requirements in Sections 63 to 67 on or before July 31, 2005.

Variances

69 **(1)** Despite Section 68, a school board may apply to the Minister for a variance of any requirement in Sections 63 to 68, other than a requirement specified in subsection (4), by providing to the Minister a statement that includes

(a) an explanation of why the administrative structure cannot be implemented without the variance;

(b) a description of the proposed alternative;

(c) an explanation demonstrating that, if varied as proposed, the administrative structure will meet the criteria set out in subsection (2); and

(d) assurance that the proposed alternative administrative structure meets all statutory requirements,

and any additional information that may be necessary to support the application for the variance, or that is requested by the Minister.

(2) An administrative structure that is varied in accordance with an application under subsection (1) must be at least as effective as the administrative structure prescribed by Section 66 in enabling the school board to

(a) focus on the delivery of student programs and services as its primary responsibility;

(b) manage its affairs in a productive manner, including achieving timely results, and demonstrating continuous improvement;

(c) be responsive to student, parent and community needs for program and service delivery, and to the needs of school advisory councils;

(d) be accountable for quality education, decision-making and resources; and

(e) be adaptable and flexible to address emerging needs.

(3) Upon receipt of a school board's application under subsection (1), the Minister may grant a variance to the school board for such period of time and on such terms and conditions as the Minister considers appropriate if, in the Minister's opinion, the statement provided by the school board with its application meets the requirements of subsection (1).

(4) The following requirements may not be varied under this Section:

(a) for the administrative structure of the Conseil acadien and a regional school board, other than the Southwest Regional School Board and the Strait Regional School Board,

(i) the requirement in subsection 66(2) to include the senior staff position of director of the programs and student services department and to include the office of superintendent as a senior staff position, and

(ii) the requirement in clause 66(2)(a) to have a department of programs and student services;

(b) for the Southwest Regional School Board and the Strait Regional School Board, the requirement in Section 66(3)(b) to include the office of Chief Executive Officer as a senior staff position: and

(c) for a district school board that administers schools in a school district in a school region administered by the Southwest Regional School Board or the Strait Regional School Board, the requirement in Section 66(4)(b) to include the office of director of education as a senior staff position.

DATED AND MADE at Halifax, Nova Scotia, Aug 7, 2003.

Honourable Angus MacIsaac
Minister of Education